

and L<sup>1</sup> through L<sup>5</sup> each independently represent hydrogen, halogen, alkyl, alkoxy or nitro; provided that at least one of L<sup>1</sup> through L<sup>5</sup> represents nitro or alkoxy and further provided that when L<sup>3</sup> is alkoxy, L<sup>2</sup> and L<sup>4</sup> are not hydrogen.

- B1
- 2  
~~11~~ 3 The compound of Claim ~~10~~ wherein at least one of L<sup>1</sup> and L<sup>5</sup> is halogen.  
~~12~~ 4 The compound of Claim ~~10~~ wherein at least one of R<sup>1</sup> and R<sup>2</sup> is hydrogen.  
~~13~~ 5 A fungicidal composition which comprises a carrier, and as active agent, at least one compound of formula I as defined in Claim ~~10~~.  
~~14~~ 6 A method of combating fungus at a locus which comprises treating the locus with a fungicidally effective amount of a compound of formula I as defined in claim ~~10~~--

Amend the claims as follows:

re Claim 6, lines 6 and 10, delete "1" and insert --10--.

Claim 9, line 1, delete "of formula I" and insert --which is--

#### Remarks

Entry of this amendment and favorable reconsideration of this application taking into account the remarks below is respectfully requested.

Claims 1-4 and 6-9 are rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is believed to be moot in view of the amendments to the claims. Claims 1-4 and 6-8 have been canceled and rewritten in clean form as claims 10-14. No new matter has been added. The amines or amides which would be necessary to prepare the instant claimed compounds are commercially available or known in the art as set forth in the specification on page 7, lines 21-23. Reconsideration of the rejection of Claim 9, drawn to a single compound disclosed in the specification, is respectfully requested.

It is respectfully requested that the rejections under 35 USC 102 and 35 USC 103 be reconsidered in view of the newly amended claims for the reasons of record. The proviso that "when L<sup>3</sup> is alkoxy, L<sup>2</sup> and L<sup>4</sup> are not hydrogen" has been added to exclude the Pfengle '783

compounds from the claim. Otherwise, there is no teaching or suggestion of a nitro substituent for L<sup>1</sup> through L<sup>5</sup> in any of the cited references and there is no teaching or suggestion of the combination of the fluorinated ethyl or isopropyl groups with the specific substituents on the phenyl ring.

Should the Examiner believe that a telephone call to the undersigned would resolve any outstanding issues to place the application in condition for allowance or narrow any issues for the purpose of appeal, he is respectfully invited to call at the telephone number indicated below.

Respectfully submitted,



Barbara V. Maurer  
Reg. No. 31,278  
Attorney for Applicants  
(609) 716 - 2317

BASF Corporation  
P.O. Box 400  
Princeton, NJ 08543-0400